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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

1977 DEC 27 PM 4 09

CLERK  
U.S. DISTRICT COURT

THE MAGNAVOX COMPANY, and  
SANDERS ASSOCIATES, INC.,

Plaintiffs,

v.

APF ELECTRONICS, INC.,  
et al.,

Defendants.

Civil Action No.  
77 C 3159

UNISONIC'S RESPONSES TO MAGNAVOX' INTERROGATORY  
ON VENUE TO DEFENDANT UNISONIC

Unisonic Products Corp. hereby responds to the Magnavox  
Company's Interrogatory directed to the issues of venue as follows.

1.(A) (i) Does defendant assert for the  
purposes of its motion to dismiss or transfer for lack of venue  
as to it that venue in this action is improper as to it under  
28 U.S.C. § 1400(b) for any reason or reasons other than that it  
does not "reside" in the Northern District of Illinois (herein-  
after "this District") and that it does not have "a regular and  
established place of business" within this District?

Answer No. It should clearly be understood that  
Unisonic does not waive any defense of non-infringement but since  
this is an issue to be ultimately decided by the Court after trial,  
non-infringement is not being asserted as a basis for Unisonic's  
present Motion with respect to venue.

1.(A) (ii) If the response to part (A) (i) of this interrogatory is anything other than an unequivocal negative, fully state each and every other such reason or reasons.

Answer No answer required.

1.(A) (iii) If the response to part (A) (i) of this interrogatory is anything other than an unequivocal negative:

(A) (iii) (a) identify by defendant's model or type number or designation each and every television gaming apparatus made, used, sold, or offered for sale by defendant during the five year period immediately preceding the filing of this action;

(A) (iii) (b) for each and every model or type of television gaming apparatus identified in response to part (A) (iii) (a) of this interrogatory, describe in detail each and every game which can be played using that apparatus;

(A) (iii) (c) for each and every model or type of television gaming apparatus identified in response to part (A) (iii) (a) of this interrogatory, state separately the number of such apparatus sold in this District by defendant during the five year period immediately preceding the filing of this action;

(A) (iii) (d) for each and every model or type of television gaming apparatus identified in response to part (A) (iii) (a) of this interrogatory, state separately the number of such apparatus shipped by defendant to locations within this District during the five year period immediately preceding the filing of this action, identify each party to whom defendant shipped such apparatus by stating its name and address, and state the reason defendant shipped such apparatus to each such party;

(A) (iii) (e) for each and every model or type of television gaming apparatus identified in response to part (A) (iii) (a) of this interrogatory, state separately the number of such apparatus shipped by defendant upon orders originated in this District during the five year period immediately preceding the filing of this action, identify each party to whom defendant shipped such apparatus, and state the reason defendant shipped such apparatus to each such party.

Answer No answer required.

1.(B) (i) Identify each and every corporation or other entity of which defendant directly or indirectly owned more than 25% at any time during the five year period immediately preceding the filing of this action and state defendant's ownership interest therein during that five year period.

Answer None.

1.(B) (ii) Identify each and every person, corporation, or other entity which owned directly or indirectly more than 25% of defendant at any time during the five year period immediately preceding the filing of this action and state for each such person, corporation, or other entity its ownership interest in defendant during that five year period.

Answer Unisonic is a wholly owned subsidiary of North American Foreign Trading Corporation.

1.(B) (iii) Identify each parcel of land or other real property located in this District owned, rented, or leased in whole or in part by defendant at any time during the five year period immediately preceding the filing of this action.

Answer None.

1.(B) (iv) Identify each parcel of land or other real property located in this District owned, rented, or leased in whole or in part by any person, corporation, or other entity identified in response to parts (B) (i) and (B) (ii) of this interrogatory at any time during the five year period immediately preceding the filing of this action.

Answer None.

1.(B) (v) As to each parcel of land or other real property identified in response to part (B) (iii) of this interrogatory, state fully and completely the interest of defendant therein during that five year period.

Answer No answer required.

1.(B) (vi) As to each parcel of land or other real property identified in response to part (B) (iv) of this interrogatory, state fully and completely the interest of each person, corporation, or other entity identified in response to parts (B) (i) and (B) (ii) of this interrogatory therein during that five year period.

Answer No answer required.

1.(B) (vii) Identify each location within this District where defendant has conducted business at any time during the five year period immediately preceding the filing of this action, state the time period during which defendant conducted business at that location, and state the nature of the business conducted by defendant at that location.

Answer None.

1.(B) (viii) As to each person, corporation, or other entity identified in response to parts (B) (i) and (B) (ii) of this interrogatory identify each location within this District where that person, corporation, or other entity conducted business at any time during the five year period immediately preceding the filing of this action, state the time period during which that person, corporation, or other entity conducted business at that location and state the nature of the business conducted by that person, corporation, or other entity at that location.

Answer None.

1.(C) Does defendant maintain a telephone, post office box, mailing address, or bank account within this District? If so, state the location of each such telephone, post office box, mailing address, or bank account and the reason or reasons for which defendant maintains it.

Answer No.

1.(D) Has defendant within the five year period immediately preceding the filing of this action maintained within this District any facility for the service or repair of products manufactured, used, or sold by it? If so, state the location of each such facility, the nature of the activities carried out by defendant at that facility, and the period of time over which that facility was maintained by defendant.

Answer No.

1.(E) Has any officer, director, or employee of defendant come to this District within the five year period preceding the filing of this action to conduct any business on behalf of defendant? If so, identify each such officer, director, or employee, as to each such officer, director, or employee, state the period or periods during which he was within this District to conduct any business on behalf of defendant; and as to each such officer, director or employee of defendant state the nature of the business he conducted for defendant on each occasion that he was within this District.

Answer Maurice Lowinger, President of Unisonic Products Corp. ("Unisonic") made several visits to Chicago during the past five years but did not solicit orders on behalf of Unisonic during these visits.

1.(F) Has defendant exhibited or participated in any trade shows, including, but not limited to, any Consumer Electronics Show, in this District within the five year period preceding the filing of this action? If so, identify each such trade show; the dates thereof; state the nature of defendant's participation in that trade show; as to each such trade show at which defendant exhibited any products manufactured, used or sold by it, identify by defendant's type or model number or designation and a statement of the type of product each product which was exhibited at that show; as to each such product exhibited at each such trade show, state by number of units and number of dollars the volume of that product which was sold at the show by defendant and the volume of that product for which orders were taken at that show by defendant.

Answer During each of the preceding five years, Unisonic has participated in several shows in Chicago including the Consumer Electronics Show and the National Housewares Exposition. Unisonic does not know the exact dates of these shows. At the housewares shows,

Unisonic exhibited calculators. At the electronics shows Unisonic exhibited calculators, watches and, in June, 1976 and January, 1977 only, video games. In June, 1976, the video game exhibited was a hand-made sample, not a production item. Unisonic does not maintain records of which specific models of its products were displayed each year. Maurice Lowinger, President of Unisonic, and Andrew Lowinger, an employee of Unisonic, attended each show.

Although Unisonic hoped to engender good will and to foster familiarity with its products through its participation in the shows, Unisonic cannot identify any firm orders or sales attributable to participation at such shows.

1.(G) Has defendant entered into any indemnity agreements, either written or oral, with any other defendant in this action? If so, identify each such other defendant with whom defendant has entered into an indemnity agreement and state the exact terms of the indemnity agreement or agreement with each such other defendant.

Answer No.



1.(H)

Has defendant entered into any agreement, either written or oral, with any other defendant in this action concerning or relating to the defense of this action or the sharing or apportionment of the expenses incurred in the defense of this action? If so, identify each such other defendant with whom defendant has entered into such an agreement and state the exact terms of the agreement or agreements with each such other defendant.

Answer      No.

1.(I)

Has defendant sold any products to any other defendant in this action within the five year period immediately preceding the filing of this action? If so, for each other defendant to which defendant has sold any such product, identify by defendant's type or model number or designation and a statement of the type of product all such products sold to that other defendant and state by number of units and number of dollars the volume of each such product sold to that defendant within the five year period immediately preceding the filing of this action.

Answer      Yes. Unisonic has sold less than 300 units of product to Bennett Brothers, Inc.

1.(J)

Has any product manufactured, used, or sold by defendant been sold by an intermediary such as a sales representative, distributor, or jobber to any other defendant in this action within the five year period immediately preceding the

filing of this action? If so, for each other defendant to which such products have been sold, identify by defendant's type or model number or designation and a statement of the type of product all such products sold to that other defendant and state by number of units and number of dollars the volume of each such product sold to that defendant within the five year period immediately preceding the filing of this action.

Answer Not to Unisonic's knowledge.

Dated: 12/23, 1977

  
Maurice Lowinger

State of New York    )  
                              ) ss:  
County of New York    )

On the 23<sup>rd</sup> day of December 1977, before me appeared Maurice Lowinger, known to me to be the President of Unisonic Products Corp. and who executed the foregoing response and he acknowledged to me that he executed the same.

Edward A. Meilman

EDWARD A. MEILMAN  
Notary Public, State of New York  
No. 44-7086290  
Qualified in Rockland County  
Commission Expires March 30, 1978